THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.945 of 2007

Dated: 12-11-2007

Between:

K.SHIVA KUMAR

.....APPELLANT

AND

1.THE COMMISSIONER,
PROHIBITION & EXCISE,
GOVT. OF A.P.,
OFFICE AT M.J.ROAD,
HYDERABAD AND 2 OTHERS.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Ramesh Ranganathan

Writ Appeal No.945 of 2007

Dated: 12-11-2007

Judgment: **(Per Hon'ble Sri Justice Bilal Nazki)**

This Writ Appeal has been filed by the appellant-petitioner aggrieved by the order dated 21-06-2007 passed by a learned single Judge of this Court in W.P.M.P.No.15955 of 2007 in W.P.No.12785 of 2007.

The demand for enclosure fee was challenged by

the appellant-petitioner in W.P.No.12785 of 2007, which has been entertained by this Court. The interlocutory application being WPMP.No.15955 of 2007, seeking to suspend the operation of the proceedings dated 08-05-2007 issued by the first respondent-Commissioner confirming the order of the 2nd respondent-Deputy Commissioner dated 18-09-2006 with regard to liability of the petitioner to pay enclosure fee in respect of 2-B licence, has been rejected on the ground that the said order discloses that the ground floor has three bar halls and first floor has one bar hall, which were not contiguous. When the respondents-Department had found separate entries to the bars in the ground floor and also on the first floor and pointed out the same to the petitioner, the petitioner had undertaken to pay the enclosure fee by executing a non-judicial stamp paper worth Rs.20/-. He had further undertaken to pay the enclosure fee within ten days after paying half of the licence fee. In this view of the matter, the learned single Judge was right in dismissing the petition seeking interim suspension and we do not find any ground to interfere with the discretion exercised by the learned single Judge.

The Writ Appeal is, accordingly, dismissed. No costs.

(Bilal Nazki, J)

Dated 12th November, 2007

(Ramesh Ranganathan, J)

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